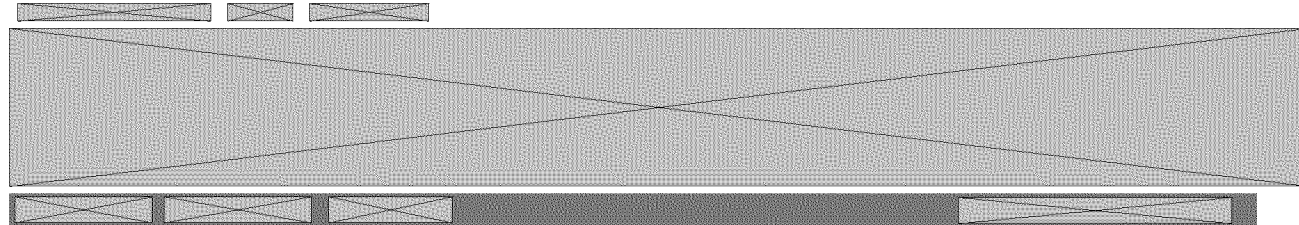


To: Tyler, Patti[Tyler.Patti@epa.gov]
From: BNA Highlights
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August 13, 2015 - Number 156

MY HEADLINES

184 Power Plants Received Mercury Rule Extension

State air agencies provided 184 power plants an extension of up to one year for compliance with the mercury and air toxics standards, according to an updated survey released by the National Association of Clean Air Agencies. Power plants were required to come into compliance with the MATS rule (RIN 2060-AP52; RIN 2060-AR31) by April 16, but the rule allowed permitting authorities to grant extensions on a case-by-case basis. The updated survey, released Aug. 11, found that all but five of the ...

(Topic: air pollution; Agency: Environmental Protection Agency)

Colorado City Fined \$1M for Drinking Water Violations

A Colorado city failed to notify the public and the Water Quality Control Division within the state's Department of Health that the nitrate level in the city's drinking water exceeded standards. The city was fined nearly \$1 million. Among the 2,100 violations, the division also noted in its July 29 citation that the city of Burlington, located near the Kansas border, failed to complete follow-up activities, such as sampling. The division had also issued a citation to Burlington in ...

(Topic: water pollution; State: Colorado)

Colorado Mining Spill Halts EPA Work at Similar Sites

The Environmental Protection Agency's regional offices will immediately halt field investigations at mines with tailings facilities while the cause of a 3-million-gallon release of toxic mine waste in southwest Colorado is examined, EPA Administrator Gina McCarthy said.

(Topic: water pollution; Agency: Environmental Protection Agency; State: Colorado)

Corn Growers Seek Water Rule Delay

The Environmental Protection Agency and the U.S. Army Corps of Engineers should postpone the effective date of the final clean water rule until they are able to train and educate field staff and to develop "sound" guidance to implement the regulation, according to the National Corn Growers Association.

(Topic: water pollution; Topic: wetlands; Agency: Environmental Protection Agency)

Court Removes Major Obstacle to Dow Herbicide

A federal appeals court granted a major victory to Dow AgroSciences when it ruled that the company could continue to sell its new herbicide, Enlist Duo, while a legal challenge works its way through the courts (Natural Res. Def. Council v. EPA, 9th

HIGHLIGHTS

EPA Clarifying New Chemicals Electronic Filing Rule

The Environmental Protection Agency will hold three webinars to help chemical manufacturers and importers understand their obligations for filing new chemical notices and related materials under a final rule the agency issued in July. Agency: Environmental Protection Agency

Gusher of Data Emerging With BP Oil Spill Fuels Research Efforts

Oil wasn't the only thing that gushed after a well operated by BP Plc exploded in the Gulf of Mexico. There was also a fountain of research. Topic: oil and gas

Heron Deaths in Alberta Oil Sands Lead to Protection Order

An Alberta Energy Regulator issued an environmental protection order Aug. 11 to Syncrude Canada Ltd. after 31 great blue herons died at the Mildred Lake oil sands mine site north of Fort McMurray, in the province's oil sands region. Topic: land and wildlife Topic: oil and gas

Obama Keynote Decision Caught in Undertow of Canadian Election

Canada's election in October has become yet another event shaping the seven-year saga of the Keystone XL pipeline, one that may lead the Obama administration to finally announcing a decision to approve or reject the \$8 billion project. Topic: climate change Topic: oil and gas

Pennsylvania Issues Final Draft Rule on Oil, Gas Wells

The Pennsylvania Department of Environmental Protection (DEP) issued its most recent draft of a final rulemaking for oil and gas wells Aug. 12, deleting provisions on well control and centralized wastewater storage tanks and promising to begin a new round of rulemaking immediately. Topic: environmental legislation Topic: oil and gas Topic: wastewater Topic: water

Tennessee Latest State to Sue Over Affirmative Defense

Tennessee is the fifth state to challenge an Environmental Protection Agency rule that requires states to remove affirmative defense language from their plans to address excess pollution from industrial facilities during periods of startup, shutdown and malfunction (Tennessee v. EPA, D.C. Cir. No. 15-1274, 8/11/15). Tennessee filed an Aug. 11 petition requesting that the U.S. Court of Appeals for the District of Columbia Circuit review the EPA rule (RIN 2060-AP03), which requires 30 rules. Topic: air pollution Agency: Environmental Protection Agency

Federal Appeals Court Removes Major Obstacle to Dow Herbicide Enlist Duo

A federal appeals court grants a major victory to Dow AgroSciences when it rules that the company can continue to sell its new herbicide, Enlist Duo, while a legal challenge works its way through the courts. A three-judge panel in the U.S. Court of Appeals for the Ninth Circuit denies the request of environmental groups challenging the EPA's approval of Enlist Duo. The groups had asked the court to block the sale of the weed killer while their case was being heard. The panel did not provide a detailed explanation for why it rejected the plaintiffs' request to stay the EPA's approval decision. [More »](#)

McCarthy Says Colorado Mining Spill Halts EPA Work at Similar Sites

The EPA's regional offices will immediately halt field investigations at mines with tailings facilities in the aftermath of the 3-million-gallon release of toxic mine waste in southwest Colorado, EPA Administrator McCarthy says. "While we continue to investigate the root causes of last week's release of mining waste at the Gold King Mine in Colorado, we are instructing our regions to immediately cease any field investigation work at mines including tailings facilities, unless there is imminent risk in a specific case," McCarthy says at a briefing in Durango, Colo. The spill

occurred Aug. 5 when EPA contractors investigating contamination leaking from the mine excavated loose material that had collapsed into a cave entry at the Gold King Mine near Silverton, Colo. The material gave way, opening a mine tunnel and spilling more than 3 million gallons of toxic waste and sludge into Upper Cement Creek. [More »](#)

Corn Growers Seek Delay in Implementing Final Clean Water Rule

The EPA and the U.S. Army Corps of Engineers should postpone the effective date of the final clean water rule until they are able to train and educate field staff and to develop “sound” guidance to implement the regulation, according to the National Corn Growers Association. It is “imperative” that the rule’s effective date be delayed, particularly in light of recent corps memos that revealed “clear disagreement” over fundamental policy matters involving what are adjacent waters and whether isolated waters can be considered jurisdictional, Chip Bowling, the corn grower association’s president, writes in a letter to EPA Administrator McCarthy. [More »](#)

Pennsylvania Issues Final Draft Rule on Oil, Gas Wells

The Pennsylvania Department of Environmental Protection issues its most recent draft of a final rulemaking for oil and gas wells, deleting provisions on noise control and centralized wastewater storage tanks and promising to begin a new round of rulemaking immediately. “This is not the end of the process of ensuring responsible drilling in Pennsylvania,” DEP Secretary John Quigley says. “Given the time frame it takes to get a regulation enacted, it’s clear to us that we need to begin immediately on developing the next set of regulatory proposals.” [More »](#)

ECHA Calls for Comments on REACH Authorizations for Four Substances

The European Chemicals Agency opens a series of consultations on applications by companies for authorizations to continue to use hazardous substances that are slated for phase out in the European Union under the bloc’s REACH regulation. The consultations cover chromium trioxide, sodium chromate and sodium dichromate, which cannot be used without authorization in the EU after Sept. 21, 2017, and 1,2-dichloroethane, which cannot be used without authorization after Nov. 22, 2017. The authorizations sought for chromium trioxide cover six uses, including chrome plating, aeronautics and aerospace applications, and treating steel in a range of industrial sectors. [More »](#)

Great Blue Heron Deaths in Alberta Oil Sands Lead to Protection Order

The Alberta Energy Regulator issues an environmental protection order to Syncrude Canada Ltd. after 31 great blue heron die at the Mildred Lake oil sands mine site north of Fort McMurray, in the province’s oil sands region. The order says the birds were covered in a bitumen-like substance. The order directs the company to collect water and soil samples from the site for analysis, develop a wildlife mitigation plan and a detailed delineation and remediation plan, and produce daily public reports. [More »](#)

Energy Department Says Ceiling Fan Light Kit Standards Will Save Energy

Revised energy efficiency standards for ceiling fan light kits proposed by the Energy Department would lead to total net energy savings ranging from \$650 million to \$820 million for consumers from 2019 to 2048. The proposed rule, to be published today, is also expected to save .047 quad of energy over this same 30-year period, a savings of 3.6 percent compared to the current standards. The proposed standards for ceiling fan light kits are being amended from the current energy efficiency standards published in January 2007. [More »](#)

Gusher of Data Erupting With BP Oil Spill Fuels Research Efforts

Oil wasn’t the only thing that gushed after a well operated by BP Plc exploded in the Gulf of Mexico. There was also a fountain of research. In the five years since the Deepwater Horizon drilling rig disaster, a scientific renaissance has blossomed

in the Gulf, with thousands of researchers studying everything from crude-tolerant jellyfish to the thermodynamics of oil dispersion to alligator stem cells. Now, from a gleaming building overlooking the turquoise Corpus Christi Bay, a team of scientists and marine biologists is using part of a \$500 million grant from BP to create a single database to house the troves of information stemming from the lawsuits, damage assessments and research endeavors to make sense of the largest offshore oil spill in U.S. history. [More »](#)

Obama Keystone Decision Caught in Undertow of Canadian Election

Canada's election in October has become yet another event shaping the seven-year saga of the Keystone XL pipeline, one that may lead the Obama administration to delay announcing a decision to approve or reject the \$8 billion project. Putting a decision on hold would give the U.S. and Canada a chance to reset a strained relationship, says David Wilkins, a former U.S. ambassador to Canada. [More »](#)

Banana Workers Strike Out on Pesticide Claims Against Major Companies

A class of more than 200 banana plantation workers who sued Occidental Chemical, Chiquita Brands and others alleging they were exposed to pesticides while working on farms in Central America will go away empty-handed after the U.S. Court of Appeals for the Third Circuit affirms dismissal of their claims. Identical claims were pending in the U.S. District Court for the Eastern District of Louisiana, so dismissal of the claims in the District of Delaware was reasonable, the Third Circuit says. [More »](#)

ALSO IN THE NEWS

AIR POLLUTION:

State air agencies provided 184 power plants an extension of up to one year for compliance with the mercury and air toxics standards, according to an updated survey released by the National Association of Clean Air Agencies. Power plants were required to come into compliance with the MATS rule by April 16, but the rule allowed permitting authorities to grant extensions on a case-by-case basis. [More »](#)

ENERGY:

The Nuclear Regulatory Commission selects Victor McCree to be the next executive director of operations, the agency's chief operating officer responsible for overseeing regulatory programs. McCree, now regional administrator of NRC's Atlanta office, will replace Mark Satorius, who is retiring in December after serving in the role since August 2013, and in other roles at the agency since 1989. McCree will start his new job Sept. 27. [More »](#)

CHEMICALS:

The EPA will hold three webinars to help chemical manufacturers and importers understand their obligations for filing new chemical notices and related materials under a direct final rule the agency issued in July. The EPA's webinars will be held Aug. 26, Sept. 16 and Sept. 30, the agency says. The final rule revised the software companies must use to file new chemical notices, called premanufacture notices. [More »](#)

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